

FISCAL NOTE

SB 3394 - HB 3412

March 25, 2006

SUMMARY OF BILL: Increases from a Class E to a Class D felony the offense of knowingly giving another person an *intercepted or recorded communication* of a cell phone, if done for compensation. Creates a new Class E felony offense for knowingly giving another person *documentation* of a cell phone communication, and makes the new offense a Class D felony if done for compensation. Broadens definitions of “communication” and “disseminating” relative to cellular telephone record privacy.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$21,900 / Incarceration*

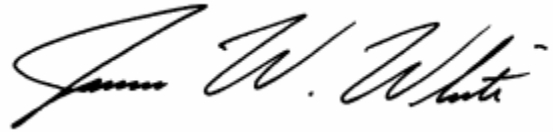
Assumptions:

- One offender per year will serve an additional 0.3 years (an increase from 0.3 years for a Class E felony to 0.6 years for a Class D felony for interception for compensation). According to the Department of Correction, the average operating cost per inmate per day for calendar year 2006 is \$50.02. The cost per inmate at 0.3 years is \$5,481.19 (\$50.02 x 109.58 days). The cost per inmate at 0.6 years is \$10,961.88 (\$50.02 x 219.15 days). The additional cost from increasing the classification from Class E to Class D is \$5,480.69 per offender (\$10,961.88 - \$5,481.19).
- One offender per year will serve 0.3 years (109.58 days served) for a Class E felony conviction for giving cell phone documentation to a third party. The cost per inmate at 0.3 years is \$5,481.19 (\$50.02 x 109.58 days).
- One offender per year will serve 0.6 years (219.15 days served) for a Class D felony conviction for documentation for compensation. The cost per inmate at 0.6 years is \$10,961.88 (\$50.02 x 219.15 days).
- According to the U.S Census Bureau, population growth in Tennessee has been 1.09% per year for the past 10 years, yielding a projected compound population growth of 13.6% over the next ten years. No significant incarceration cost increase will occur due to population growth in this period.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director